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EXAMINER

KIM, PAUL

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/701,821 | Applicant(s) DONNELLY ET AL. | |
| | Examiner PAUL KIM | Art Unit 2169 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15-20, 36 and 42-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-20, 36 and 42-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Office action is responsive to the following communication: Amendment filed on 18 July 2008.
2. Claims 1-13, 15-20, 36, and 42-49 are pending and present for examination.

Response to Amendment

3. Claims 1, 15, 17, and 36 have been amended.
4. No claims have been added.
5. No claims have been further cancelled.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-6, 8-11, 14-18, 36, and 43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin et al (U.S. Patent No. 6,442,714, hereinafter referred to as GRIFFIN), filed on 17 March 1999, and issued on 27 August 2002, in view of Wild et al (U.S. Patent No. 5,671,351, hereinafter referred to as WILD), filed on 13 April 1995, and issued on 23 September 1997), and in further view of Zisman et al (U.S. Patent No. 7,143,103, hereinafter referred to as ZISMAN), filed on 15 June 2000, and issued on 28 November 2006.
8. **As per independent claims 1, 17, and 36**, GRIFFIN, in combination with WILD and ZISMAN, discloses:

A system for reporting information regarding use of one or more software products from one or more client devices to at least one server, comprising:

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a report user interface {See Griffin, C4:L34-37};

one or more sets of report user interface definition files residing on each of the one or more client devices, wherein a set of report user interface definition files customizes the report user interface for collecting report information regarding a particular software product {See Griffin, C4:L50-55}; and

a problem-reporting client for constructing the report user interface without requiring an initial connection to the at least one server, the report user interface based on the one or more sets of report user interface definition files {See WILD, C4:L5-10, wherein this reads over "a general purpose digital computer . . . [comprising] a test user interface 1b, a test coordinator 1c, test history and reporting 1d as on object oriented database 1i included within the processor 1g"; and C4:L25-43, wherein this reads over "[t]hrough the test user interface 1b, the user pre-defines the test cases associated with the application under test 1h and also pre-defines the sequence of execution of the associated test cases through a testing hierarchy"};

for collecting report information {See WILD, C4:L36-43, wherein this reads over "[o]nce the test execution is complete, execution of the post-test message resets the operating environment, stores the results of the test in the object test case results 1m, and provides a test results object identification (ID) which is used to access the stored results data"}; and

for providing report information to the at least one server {See GRIFFIN, C1:L58-67, wherein this reads over "allows users to directly upload data from computer-connected test equipment into the relational database"}.

wherein the problem-reporting client is configured to load an additional report user interface definition file based on report information entered into the report user interface by a user of a particular client device {See ZISMAN, C11:L21-23, wherein this reads over "add, delete or edit a consistency rule 14 from the rules presently stored in memory"; and C13:L49-60, wherein this reads over "the consistency link generator 60 selects the first (s40) rule of the consistency rules stored in memory"}, and to dynamically reconfigure the report user interface based on the additional report user interface definition file without communicating with the at least one server while reconfiguring {See ZISMAN, C4:L15-25, wherein this reads over "stored in the memory of the computer 6 is a set of consistency rules 14"; and C11:L6-14, wherein this reads over "consistency rules can be generated directly by being input via the keyboard 8 using the consistency rule editor 40 stored in memory"}.

While GRIFFIN may fail to expressly disclose a "system for reporting information in a distributed environment in which report user interface definition files reside on the client device and the problem-reporting client constructs the report user interface using these file without requiring an initial connection to a server," WILD discloses a system for testing and monitoring an application using a local computer wherein the user pre-defines the test cases and the resulting report generated as a result of the test case results. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the inventions suggested by GRIFFIN and WILD. That is, wherein WILD discloses a system wherein custom reports may be generated and test result data stored in an object oriented

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database, one of ordinary skill in the art would have been able to apply the disclosed invention found in GRIFFIN to upload said data to an object oriented database found on an external server.

Additionally, while GRIFFIN and WILD may fail to expressly disclose the feature of a problem-reporting client that "is configured to load an additional report user interface definition file based on report information entered into the report user interface by a user of a client device," ZISMAN teaches a feature wherein a user may "add, delete or edit a consistency rule 14 from the rules presently stored in memory" and said consistency rule may be loaded into memory. See Zisman, C11:L21-23 and C13:L49-60. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the inventions suggested by GRIFFIN, WILD, and ZISMAN. That is, wherein WILD and GRIFFIN discloses a system wherein custom reports may be generated, one of ordinary skill in the art would have been able to apply the disclosed found in ZISMAN such that the custom reports are generated based upon the consistency rules defined by a user.

Additionally, while GRIFFIN and WILD may fail to expressly disclose the feature of a problem-reporting client wherein the report user is reconfigured based on the additional report user interface definition file, ZISMAN discloses an invention wherein the consistency rule (i.e. additional report user interface definition file) may be generated and stored at the user terminal such that downloading of the consistency rule is not necessary. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the inventions suggested by GRIFFIN, WILD, and ZISMAN.

One of ordinary skill in the art would have been motivated to do this modification in order to support the system's ability to construct a report user interface without requiring an initial connection to a server.

9. **As per dependent claim 2**, GRIFFIN, in combination with WILD and ZISMAN, discloses:

The system of Claim 1, wherein the report user interface facilitates reporting information regarding a problem encountered by a software user {See Griffin, C1:L59-67}.

10. **As per dependent claim 3**, GRIFFIN, in combination with WILD and ZISMAN, discloses:

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The system of Claim 1, further comprising:

a report file generated by the problem-reporting client, wherein the report file is generated based on information entered by way of the report user interface {See Griffin, C3:L64-C4:L1}.

11. **As per dependent claim 4**, GRIFFIN, in combination with WILD and ZISMAN, discloses:

The system of Claim 3, further comprising:

At least one server to which the report file is transmitted by the problem-reporting client {See Griffin, C3:L64-C4:L1}.

12. **As per dependent claim 5**, GRIFFIN, in combination with WILD and ZISMAN, discloses:

The system of Claim 3, wherein the problem-reporting client collects report information and generates the report file without requiring a connection to the at least one server {See WILD, C4:L5-10, wherein this reads over "a general purpose digital computer . . . [comprising] a test user interface 1b, a test coordinator 1c, test history and reporting 1d as on object oriented database 1i included within the processor 1g"; and C4:L25-43, wherein this reads over "[t]hrough the test user interface 1b, the user pre-defines the test cases associated with the application under test 1h and also pre-defines the sequence of execution of the associated test cases through a testing hierarchy"}.

13. **As per dependent claim 6**, GRIFFIN, in combination with WILD and ZISMAN, discloses:

The system of Claim 3, further comprising:

a report package generated by the problem-reporting client, wherein the report package contains the report file and additional report information {See Griffin, C6:L57-65}.

14. **As per dependent claim 8**, GRIFFIN, in combination with WILD and ZISMAN, discloses:

The system of Claim 6, wherein the additional report information includes hardware information for the particular client device operated by a software user {See Griffin, C6:L60-62}.

15. **As per dependent claim 9**, GRIFFIN, in combination with WILD and ZISMAN, discloses:

The system of Claim 6, wherein the additional report information includes additional files as designated in the set of report user interface definition files {See Griffin, C5L:38-41}.

16. **As per dependent claim 10**, GRIFFIN, in combination with WILD and ZISMAN, discloses:

The system of Claim 6 wherein the additional report information includes additional files designated by a software user of the particular client device{See Griffin, C6:L63-65}.

17. **As per dependent claim 11**, GRIFFIN, in combination with WILD and ZISMAN, discloses:

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The system of Claim 1, wherein the one or more sets of files comprise one or more text files formatted in accordance with a markup language {See Griffin, C4:L48-49 and C5:L15-16}.

18. **As per dependent claim 14**, GRIFFIN, in combination with WILD and ZISMAN, discloses:

The system of Claim 1, wherein the report user interface is dynamically configurable based on information entered by a user of the particular client device {See Griffin, C3:L64-C4:L1}.

19. **As per dependent claim 15**, GRIFFIN, in combination with WILD and ZISMAN, discloses:

The system of Claim 1, wherein a set of report user interface definition files comprises:

a report parent file {See Griffin, C4:L49-51}; and

one or more additional report user interface definition files, wherein an additional report user interface definition file corresponds to a child screen in the report user interface {See Griffin, Figure 5 and C4:L51-55}.

20. **As per dependent claim 16**, it would be inherent for identification credentials (e.g. an IP address) for a software user to be obtained wherein the present invention comprises of the transmission of a report file by a client to a server.

21. **As per dependent claim 18**, GRIFFIN, in combination with WILD and ZISMAN, discloses:

The method of Claim 17, further comprising generating a report file based on information obtained by way of the report user interface without requiring a connection to a server {See WILD, C4:L5-10, wherein this reads over "a general purpose digital computer . . . [comprising] a test user interface 1b, a test coordinator 1c, test history and reporting 1d as on object oriented database 1i included within the processor 1g"; and C4:L25-43, wherein this reads over "[t]hrough the test user interface 1b, the user pre-defines the test cases associated with the application under test 1h and also pre-defines the sequence of execution of the associated test cases through a testing hierarchy"}.

22. **As per dependent claim 43**, GRIFFIN, in combination with WILD and ZISMAN, discloses:

The system of Claim 1, wherein the problem-reporting client generates a report file based on information entered by way of the report user interface {See GRIFFIN, Figure 4}.

23. **Claims 19, and 44-47** are rejected under 35 U.S.C. 103(a) as being unpatentable over GRIFFIN, in view of WILD and ZISMAN, and in further view of Budhiraja (U.S. Patent No. 6,442,714, hereinafter referred to as BUDHIRAJA), filed on 17 March 1999, and issued on 27 August 2002.

24. **As per dependent claims 19 and 44**, GRIFFIN, in combination with WILD, ZISMAN, and BUDHIRAJA, discloses:

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The method of Claim 17, further comprising generating a report package containing the report file and additional report information {See BUDHIRAJA, C6:L66-C7:L10, wherein this reads over "[t]he depicted embodiment uses cabinet files, which are collections of compressed files, to package the class files of each of the component applets 92 and the core applet 94 into their own separate cabinet files"}.

While GRIFFIN fails to expressly disclose the generation of a report package containing the report file and additional report information, BUDHIRAJA discloses a system wherein cabinet files are used to package class files of applets in said compressed cabinet files. The use of cabinet files would allow for the packaging the report file and additional report information into one file for transfer to the server. Therefore, it would have been obvious to one of ordinary skill in the art to apply the technique of generating a package file as taught in BUDHIRAJA.

One of ordinary skill in the art would have been motivated to make this motivation so that files may be easily and more efficiently transmitted via one compressed file.

25. **As per dependent claim 45**, GRIFFIN, in combination with WILD, ZISMAN, and BUDHIRAJA, discloses:

The system of Claim 44, further comprising a file gathering component for collecting any files designated in the set of report user interface definition files for inclusion in the report package, and wherein the additional report information packaged by the problem-reporting client comprises the files designated in the set of report user interface definition files {See BUDHIRAJA, C6:L66-C7:L10, wherein this reads over "[t]he depicted embodiment uses cabinet files, which are collections of compressed files, to package the class files of each of the component applets 92 and the core applet 94 into their own separate cabinet files"}.

While GRIFFIN fails to expressly disclose the generation of a report package containing the report file and additional report information, BUDHIRAJA discloses a system wherein cabinet files are used to package class files of applets in said compressed cabinet files. The use of cabinet files would allow for the packaging the report file and additional report information into one file for transfer to the server. Therefore, it would have been obvious to one of ordinary skill in the art to apply the technique of generating a package file as taught in BUDHIRAJA.

One of ordinary skill in the art would have been motivated to make this modification so that files may be easily and more efficiently transmitted via one compressed file.

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26. **As per dependent claim 46**, GRIFFIN, in combination with WILD, ZISMAN, and BUDHIRAJA, discloses:

The system of Claim 44, further comprising a file gathering component for collecting any files designated by a user of the particular client device for inclusion in the report package, and wherein the additional report information packaged by the problem-reporting client comprises the files designated by the user {See BUDHIRAJA, C6:L66-C7:L10, wherein this reads over "[t]he depicted embodiment uses cabinet files, which are collections of compressed files, to package the class files of each of the component applets 92 and the core applet 94 into their own separate cabinet files"}.

While GRIFFIN fails to expressly disclose the generation of a report package containing the report file and additional report information, BUDHIRAJA discloses a system wherein cabinet files are used to package class files of applets in said compressed cabinet files. The use of cabinet files would allow for the packaging the report file and additional report information into one file for transfer to the server. Therefore, it would have been obvious to one of ordinary skill in the art to apply the technique of generating a package file as taught in BUDHIRAJA.

One of ordinary skill in the art would have been motivated to make this modification so that files may be easily and more efficiently transmitted via one compressed file.

27. **As per dependent claim 47**, GRIFFIN, in combination with WILD, ZISMAN, and BUDHIRAJA, discloses:

The system of Claim 45, wherein the file gathering component also collects any files designated by a user of the particular client device for inclusion in the report package, and wherein the additional report information packaged by the problem-reporting client comprises the files designated by the user {See BUDHIRAJA, C6:L66-C7:L10, wherein this reads over "[t]he depicted embodiment uses cabinet files, which are collections of compressed files, to package the class files of each of the component applets 92 and the core applet 94 into their own separate cabinet files"}.

While GRIFFIN fails to expressly disclose the generation of a report package containing the report file and additional report information, BUDHIRAJA discloses a system wherein cabinet files are used to package class files of applets in said compressed cabinet files. The use of cabinet files would allow for the packaging the report file and additional report information into one file for transfer to the server. Therefore, it would have been obvious to one of ordinary skill in the art to apply the technique of generating a package file as taught in BUDHIRAJA.

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One of ordinary skill in the art would have been motivated to make this modification so that files may be easily and more efficiently transmitted via one compressed file.

28. **Claims 48 and 49** are rejected under 35 U.S.C. 103(a) as being unpatentable over GRIFFIN, in view of WILD, ZISMAN, and BUDHIRAJA, and in further view of Wookey (U.S. Patent No. 6,023,507, filed on WOOKEY), filed on 17 March 1997, and issued on 8 February 2000.

29. **As per dependent claim 48**, GRIFFIN, in combination with WILD, ZISMAN, BUDHIRAJA and WOOKEY, discloses:

The system of Claim 44, further comprising a hardware information gathering component for extracting information concerning the configuration of the particular client device {See WOOKEY, C3:L49-61, wherein this reads over "[t]he monitored computers, both slaves and the master(s), run diagnostics"}, and wherein the additional report information packaged by the problem-reporting client comprises the hardware information {See WOOKEY, C3:L62-C4:L35, wherein this reads over "[t]he diagnostic information collected from the monitored computer system includes . . . hardware configuration"}.

While GRIFFIN fails to expressly disclose a hardware information gathering component for extracting information concerning the configuration of a particular client device, WOOKEY discloses a system wherein diagnostic information is collected from a monitored computer system. The collection of hardware information concerning the configuration of a client device would allow for said hardware information to be packaged with the report file such that the hardware information may ultimately be used for problem-reporting purposes.

One of ordinary skill in the art would have been motivated to make this modification such that the hardware information may provide needed information for purposes of beta-testing and debugging.

30. **As per dependent claim 49**, GRIFFIN, in combination with WILD, ZISMAN, BUDHIRAJA, and WOOKEY, discloses:

The system of Claim 47, further comprising a hardware information gathering component for extracting information concerning the configuration of the particular client device {See WOOKEY, C3:L49-61, wherein this reads over "[t]he monitored computers, both slaves and the master(s), run diagnostics"}, and wherein the additional report information packaged by the problem-reporting client comprises the hardware information {See WOOKEY, C3:L62-C4:L35, wherein this reads over "[t]he diagnostic information collected from the monitored computer system includes . . . hardware configuration"}.

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31. **Claims 7, 12-13, and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over GRIFFIN, in view of WILD and ZISMAN, and in further view of Official Notice.

32. **As per dependent claim 7**, the Office takes Official Notice that the report package comprise a cabinet file since it is widely and commonly known within the art that cabinet files are used for packaging a number of related files and compressing said package.

33. **As per dependent claim 12**, the Office takes Official Notice that text files may be formatted in accordance with Extensible Markup Language (XML) since XML is widely and commonly known within the art as a standardized markup language.

34. **As per dependent claim 13**, the Office takes Official Notice that the client would comprise an XML control parser particularly wherein the client of the claimed invention formats text files in accordance with XML which is a standard markup language within the art.

35. **As per dependent claim 20**, the Office takes Official Notice that it would have been obvious and widely known to one of ordinary skill in the art that the additional report information includes any files as designated in the set of report user interface definition files, particularly wherein the report user interface is customizable by the user.

36. **As per dependent claim 42**, the Office takes Official Notice that it would have been obvious and widely known to one of ordinary skill in the art to save a report file in complete form to be completed in a later session.

Response to Arguments

37. Applicant's arguments with respect to claim rejections under 35 U.S.C. 103 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

38. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL KIM whose telephone number is (571)272-2737. The examiner can normally be reached on M-F, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on (571) 272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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